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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 09/498,505   | 01/28/2000  | Silvano Maffeis      | FREIP038US              | 8901             |
| 21121  | 7590        | 08/30/2004           | EXAMINER                |                  |
| OPPEDAHL AND LARSON LLP<br>P O BOX 5068<br>DILLON, CO 80435-5068 |             |                      | JAROENCHONWANIT, BUNJOB |                  |
|  |             |                      | ART UNIT                | PAPER NUMBER     |
|  |             |                      | 2143                    |                  |

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                |
|------------------------------|------------------------|----------------|
| <b>Office Action Summary</b> | Application No.        | Applicant(s)   |
|                              | 09/498,505             | MAFFEIS ET AL. |
|                              | Examiner               | Art Unit       |
|                              | Bunjob Jaroenchonwanit | 2143           |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 May 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/7/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The affidavit filed on 07/07/04 under 37 CFR 1.131 is sufficient to overcome the Kumar reference, but it is insufficiently to overcome applicant owned admission.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.
3. Claims 1-5, 8, 11-17, 20, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) and Arrouye et al. (US. 6,256,635).
4. As to claims 1-5, 8, 11-17, 20, 23 and 24, as admitted by the applicant that JAVA messages service (JMS) based upon a publishing/subscribing; message client, message server, which included implementing a transport protocol, were prior arts, (spec. page 1, lines 8-25). The AAPA further admitted, using JAVA existing liked mechanisms such as JAVA API, JNDI, JINI, also conventional (spec. page 6, lines 4-11). The only issue that AAPA failed to disclose is plugable or plug in transport protocol.

However, in an analogous art, Arrouye discloses a method and apparatus comprising a server for distributing data, e.g., messages, in various transport protocols, e.g., TCP apple talk, regardless of client characteristics. The system, further, implement the object oriented programming to generates TCP or apple talk plug in, for enhancing and extending runtime system adaptability and providing services in various functionalities (FIG. 3, 5; Col. 6, lines 29-65; Col. 8, lines -67; Col. 10, line 40-Col.13, line 45).

It would have obvious to one of ordinary skill in the art at the time of the invention was made to been obvious to modify a prior JMS system with Arrouye plug-in script inventive concept to enable the conventional JMS to operate in various protocols, with the motivation of

enhancing the JMS capabilities. Because such modification would enhance the JMS flexibility, would support the JMS' operation in heterogeneous message' formats and protocols. Such flexibility would add on marketing values, making the system become more attractive to the end users, thereby increasing competitive ability in marketing the system.

5. Claims 4-7, 9-10, 18-19, 21-22, are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA-Arrouye, as applied to their base claims and futher in view of Craddock et al. (US. 6,351,771).

6. Claims 4-7, 9-10, 18-19, 21-22, AAPA-Arrouye discloses the invention substantially but does not explicitly disclose the system includes an adapter for converting command, information format of message between client and server, regardless of Java or Non-Java client. However, in the same field of endeavor, Craddock, having similar objective as the claimed invention, teaches an inventive concept of a messaging distribution system that capable of handling multiple message formats and transport protocols. Craddock teaching includes a set of transducers, which is generate from JAVA API, i.e., plug-in transducers, for protocols and formats conversion. The transducers, thus, are mechanism that enable Craddock design to enable the client devices to handle multiple message format, regardless of the messages are in JAVA or non-Java format (Fig. 2, Col. 4, lines 5-57; Col. 5, line 66-Col. 6, line 64; Col. 8, lines 30-45; Col. 11, lines 10-54).

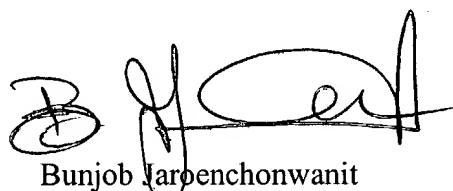
7. Examiner noted that the essential invention is the using of JAVA Class composition to automatically create plug in or pluggable adapters to handle multiple transport protocols and messages formats, dynamically. The essence is disclosed in the last paragraph of page 8 of the specification, as originally filed. However, the breadth of the claims is read on any conventional

plug-in or pluggable protocols, regardless of how they were constructed. Applicant is advised to amend the claims to include the aforementioned inventive concept in order to advance prosecution. Further presenting claims language by including the prior art limitations in an alternative forms would be unnecessary prolong the prosecution.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.



Bunjob Jaroenchonwanit  
Primary Examiner  
Art Unit 2143

/bj  
8/22/04